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Date: March 30, 2007 12:03:59 GMT
Subj: Refiled response in USSN 09730299, Falchuk, et al., "Medical consultation manage
Pages: 12

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Dear USPTO worker,

Re: USSN 09730299, Falchuk, et al., "Medical consultation management system"
my docket healre01.012

In accordance with instructions from Examiner Natalie Pass, I am refiling this response, which was originally filed 3/16/07. The refiled response is identical with the response of 3/16/07 except that it includes change markings which were lost during the conversions involved in the EFS filing process. A copy of the refiled response has been sent to Examiner Pass.

Respectfully submitted,

Gordon E. Nelson, #30,093,
Attorney of Record

Gordon E. Nelson,
Gordon E. Nelson, Patent Attorney, PC

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healre01.012

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(healre01.012)

Applicant: Falchuk, et al.

Confirmation No.: 7848

Application No: 09/730,299

Group Art Unit: 3626

Filed: 12/05/2000

Examiner: Pass, Natalie

Title: *A medical consultation management system*

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Commissioner for Patents
Alexandria, VA 22313-1450
Filed via EFS

Refiled response to a non-final Office action under 37 C.F.R. 1.111

Explanation

Examiner telephoned Applicants' attorney on March 29 and indicated that a claim marked "currently amended" in a response filed 3/16/07 in the above application had no marked changes and that Applicant should both fax Examiner a version of the response with change bars and fax the version to the PTO's central fax number.

Summary of the prosecution

In a final Office action mailed 7/5/2006, Examiner rejected claims 1-4 under 35 U.S.C. 112, second paragraph as being vague and indefinite and persisted in her rejections of claims 1 and 2 under 35 U.S.C. 102 as anticipated by Telemedicine and of claims 3-4 under 35 U.S.C. 103 as obvious over the combination of Telemedicine and Abrahamson. Applicants filed an RCE with a *Submission* on 6 November 2006 which amended claims 1,3, and 4 to overcome the rejection under 35 U.S.C. 112. The *Submission* further included a traversal of the rejections under 35 U.S.C. 102 and 103.

Examiner mailed a non-final Office action in the RCE on 12/18/2006. In the Office action, Examiner rejected claims 1 and 2 under 35 U.S.C. 101 as directed to non-statutory subject matter, rejected claims 1 and 2 under 35 U.S.C. 103 as unpatentable over the combination of

Telemedicine and *Bringing Health Care On Line: The role of Information Technologies*, Chapter 5: "Telemedicine: Remote Access to Health Services and Information", September 1995, which may be found at www.wws.princeton.edu/ota/disk1/1995/9507/950707.pdf and www.wws.princeton.edu/ota/disk1/1995/9507/950701.pdf, hereinafter "Remote". Applicants are amending claim 1 to overcome the rejection under 35 U.S.C. 101 and are traversing the rejection under 35 U.S.C. 103.

Please amend the claims as follows: